

THE
TRUE LAW OF FREE
MONARCHY,

OR
THE RECIPROCAL
and mutuall duty betwixt a free
KING and His naturall Subjects.

By a well affected subject of the Kingdome of
SCOTLAND.

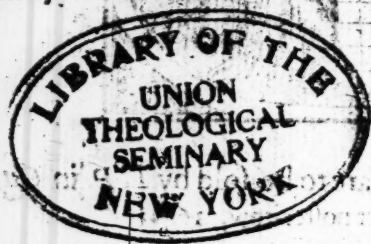


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THE
DAY OF
An Advertisement to the
Reader.

Accept, I pray you, (my deare Country-men) as thankfully this Pamphlet that I offer unto you, as lovingly it is written for your weale. I would be loath both to be falchious and feeleffe. And therefore, if it be not sententious, at least it is short. It may be ye misse many thing that ye look for in it. But for excuse thereof, consider rightly that I only lay down here in the true grounds, to teach you the right way, without wasting time upon refuting the adversaries. And yet I trust, if ye will take narrow tent, ye shall find most of their great guns payed home again, either with contrary conclusions, or tacite objections, suppose in a daigned forme, and indirectly. For my intention is to instruct, and no tirrat, if I may eschew it. The profit I would wish you to make of, it is, as well so to frame all your actions according to these grounds, as may confirme you in the course of honest and obedient subjects to your King, in all times comming, as also, when ye shall fall in purpose with any that shall praise or excuse the by-past rebellions, that break forth either in this Countrey or in any other, ye shall herewith be armed against their Siren songs, laying their particular examples to the square of these grounds. Whereby ye shall soundly keep the course of righteous Iudgement, discerning wisely of every action, only according to the quality thereof, and not according to your prejudged conceits of the committers. So shall ye, by reaping profit to your selves, turne my paine into pleasure. But least the whole Pamphlet run out at the gaping mouth of this Preface, if it were any more enlarged: Lend, with committing you to God, and me to your charitable censures.

C. 1607. 27. 11. 11.



*The true Law of free Monarchies, Or the reciprocke and mutual
duty betwixt a free King and his naturall Subjects.*



There is not a thing so necessary to be known by the people of any land, next the knowledge of their God, as the right knowledge of their allegiance, according to the forme of Government established among them, especially in a *Monarchy*, (which forme of Government, as resembling the Divinity, approacheth nearest to perfection, as all the learned and wise men from the beginning have agreed upon : Vnity being the perfection of all things) So hath the ignorance, and (which is worse) the seduced opinion of the multitude blinded by them, who think themselves able to teach and instruct the ignorants, procured the wrack and overthrow of sundry flourishing Common-wealths; and heaped heavy calamities, threatening utter destruction upon others. And the smiling successes, that unlawfull rebellions have oftentimes had against Princes in ages past (such hath been the misery, and iniquity of the time) hath by way of practise strengthened many in their error : albeit there cannot be a more deceivable argument; then to judge by the justnesse of the cause by the event thereof; as hereafter shall be proved more at length. And among others, no Common-wealth, that ever hath been since the beginning, hath had greater need, of the true knowledge of this ground, then this our so long disordered and distracted Common-wealth hath : the misknowledge hereof being the only spring, from whence have flowed so many endlesse calamities, miseries, and confusions, as is better felt by many, than the cause thereof well known; and deeply considered. The natural zeale therefore, that I beare to this my native Country, with the great pity I have to see the so-long disturbance therof, for lack of the true knowledge of this ground (as I have said before) hath compelled me at last to break silence, to discharge my conscience to you, my deare Countrymen herein, that knowing the ground from whence these your many endles troubles have proceeded, as well as ye have already too-long tasted the bitter fruits thereof, ye may by knowledge, and eschewing of the cause escape, and divert the lamentable effects that ever necessarily follow thereupon. I have chosen then only to set down in this short Treatise the true grounds of the mutuall duty, and allegiance betwixt a free and absolute *Monarchie*, and his people; not to trouble your patience with answering the contrary propositions, which some hath not been ashamed to set down in writ, to the poisoning of infinite number of simple soules, and their own perpetuall, and well deserved infamy. For by answering them, I could not have eschewed whiles to pick, and bite well saltly their persons : which would rather have bred contentions among the readers (as they had liked or misliked) then sound instruction of the truth. Which I protest to him that is the searcher of all hearts, is the only mark that I shoot at herein.

First then, I will set down the true grounds, whereupon I am to build, out of the Scriptures, since *Monarchie* is the true pattern of Divinity, as I have already said: next, from the fundamentall Laws of our own Kingdome, which nearest must concerne us : thirdly, from the Law of nature, by divers similitudes drawn out of the same : and will conclude finne by answering the most waighy and appearing incommodities that can be objected.

The Princes duty to his subjects is so clearly set down in many places of the Scriptures, and so openly confessed by all the good Princes, according to their oath in their Coronation, as not needing to be long therein, I shall as shortly as I can run through it.

Psalm 89. 6.

Psalm 101.

2 King 18.

2 Chron 19.

2 Min 22.

& 23. 2.

34. & 35.

Plalm 72.

1 King 11.

Rom. 13.

1 Sam. 8.

Jer. 29.

Kings are called *Gods* by the Prophetical King *David*, because they sit upon God his throne in the earth, and have the count of their administration to give unto him. Their office is, *To minister justice and judgement to the people*, as the same *David* saith, *To advance the good, and punish the evil*, as he likewise saith: *To establish good laws to his people, and procure obedience to the same*, as divers good Kings of *Judah* did: *To procure the peace of the people*: as the same *David* saith, *To decide all controversies that can arise among them*, as *Saturnus* did: *To be the Minister of God for the weale of them that do well, and as the Minister of God, to take vengeance upon them that do evil*, as *S. Paul* saith. And finally, *As a good Pastor to go out and in before his people*, as is said in the first of *Samuel*: *That through the Princes prof-perity the peoples peace may be procured*, as *Jeremy* saith.

And therefore in the Coronation of our own Kings, as well as of every Christian Monarch, they give their oath, first to maintain the Religion presently professed within their Countrey, according to their laws, whereby it is established, and to punish all those that should presse to alter, or disturbe the profession thereof: And next, to maintain all the lawable and good laws made by their predecessors, to see them put in execution, and the breakers, and violaters thereof, to be punished, according to the tenor of the same: And lastly, to maintain the whole Countrey, and every state therein, in all their ancient privilegedges, and liberties, as well against all forraigne enemies, as among themselves: And shortly to procure the weale and flourishing of his people, not only in maintaining and putting to execution the old lawable laws of the Countrey, and by establishing of new (as necessity and evill manners will require) but by all other meanes possible to foresee and prevent all dangers, that are likely to fall upon them, and to maintain concord, wealth, and civility among them, as a loving father, and careful watchman, caring for them more than for himselfe, knowing himselfe to be ordained for them, and they not for him: and therefore countable to that great God, who placed him as his lieutenant over them, upon the perill of his soule, to procure the weale of both soules and bodies, as far as in him lieth, of all them that that are committed to his charge. And this Oath in the Coronation is the clearest, civill and fundamentall law, whereby the Kings office is properly defined.

By the law of nature the King becomes a naturall Father to all his Lieges at his Coronation. And as the father of his fatherly duty is bound to care for the nourishing, education and vertuous government of his children: even so is the King bound to care for all his subjects. As all the toyle, and pain that the father can take for his children, will be thought light and well bestowed by him, so that the effect thereof redound to their profit and weale: So ought the Prince to do towards his people. As the kindly father ought to foresee all inconvenients and dangers that may arise towards his children, and though with the hazard of his own person, presse to prevent the same: So ought the King towards his people. As the Fathers wrath & correction upon any of his children, that offendeth, ought to be by a fatherly chastizement seasoned with pity, as long as there is any hope of amendment in them: So ought the King towards any of his Lieges that offends in that measure. And shortly as the fathers chief joy ought to be in

procuring his childrens wellfare, rejoycing at their weale, sorrowing and pitying at their evill, to hazard for their safety, travell for their rest, wake for their sleep; and in a word, to think that his earthly felicity and life standeth & liveth more in them, nor in himselfe; So ought a good Prince think of his people.

As to the other branch of this mutuall, and reciproock band, is the duty and allegiance, that the Lieges owe to their King. The ground whereof, I take out of the words of *Samuel*, dited by Gods spirit, when God had given him commandement to heare the peoples voyce in choosing and anointing them a King. And because that place of Scripture being well understood, is so pertinent for our purpose, I have insert herein the very words of the text.

9. Now therefore hearken to their voyce: howbeit yet testifie unto them, and shew them the manner of the King, that shall raigne over them.

10. So *Samuel* told all the words of the Lord unto the people that asked a King of him.

11. And he said, this shall be the manner of the King that shall raigne over you; he will take your sons, and appoint them to his Chariets, and to be his horsemen, and some shall run before his Chariets.

12. Also he will make them his Captaines over thousands, and Captaines over fifties, and to eare his ground, and to reape his harvest, and to make instruments of War, and the things that serve for his Chariets.

13. He will also take your daughters, and make them Apothecaries, and Cookes, and Bakers.

14. He will take your Fields, and your Vineyardes, and your best Olive-trees, and give them to his servants.

15. And he will take the tenth of your seed, and of your Vineyards, and give it to his Eunuches and to his servants.

16. And he will take your men-servants, and your maid-servants, and the chiefe of your yong men, and your asses, and put them to his work.

17. He will take the tenth of your sheep: and ye shall be his servants.

18. And yee shall cry out at that day, because of your King whom yee have chosen you: and the Lord will not beare you at that day.

19. But the people would not heare the voyce of *Samuel*. but did say: Nay but there shall be a King over us. 20. And we also will be like all other nations. and our King shall judge us, and go out before us, and fight our battels.

20. And we also would be like all other Nations, and our King shall judge us, and go out before us, and fight our battels.

That these words and discourses of *Samuel* were dited by Gods spirit, it needs no further probation, but that it is a place of Scripture, since the whole Scripture is dited by that inspiration, as *Paul* saith: which ground no good Christian will, or dare deny. Whereupon it must necessarily follow, that these speeches proceeded not from any ambition in *Samuel*, as one loath to quite the reines that he so long had ruled, and therefore desirous, by making odious the government of a King, to dissuade the people from their farther importunate craving of one. For as the Text proveth it plainly, he then convened them to give them a resolute grant of their demand, as God by his own mouth commanded him, saying:

Harken to the voyce of the people.

And to presse to dissuade them from that, which he then came to grant unto them, were a thing very impertinent in a wise man; much more in the Prophet of the most high God. And likewise, it well appeared in all the course of his life, that his refusing of their sute before came not of any ambition in him:

him: which he well proved in praying, and as it were importuning God for the weale of *Saul*. Yea, after God had declared his reprobation unto him, yet he desisted not, while God himselfe was wrath at his praying, and discharged his sentence in that errant. And that these words of *Samuel* were not uttered, as a prophecy of *Saul*'s first Kings defection, it well appeareth, as well because we heare no mention made in the Scripture of any his tyranny and oppression, (which, if it had been, would not have been left unpainted out therein, as well as his other faults were, as in a true mirrour of all the Kings behaviours, who it describeth) as likewise in respect that *Saul* was chosen by God for his vertue, and meet qualities to govern his people: whereas his defection sprung after-hand from the corruption of his own nature, and not through any default in God, who they that think so, would make as a step-father to his people, in making wilfully a choyce of the unmeetest for governing them, since the election of that King lay absolutly and immediatly in Gods hand. But by the contrary it is plain, and evident, that this speech of *Samuel* to the people, was to prepare their hearts before the hand to the due obedience of that King, which God was to give unto them; and therefore opened up unto them, what might be the intollerable qualities that might fall in some of their Kings, thereby preparing them to patience, not to resist to Gods ordinance, but as he would have said. Since God hath granted your importunate sute in giving you a King: as ye have else committed an error in shaking off Gods yoke, and over-hasty seeking of a King: so beware ye fall not into the next, in casting off also rashly that yoke, which God at your earnest sute hath laid upon you, how hard that ever it seem to be. For as ye could not have obtained one without the permission and ordinance of God: so may ye no more, fro he be once set over you, shake him off without the same warrant. And therefore in time arme your selves with patience and humility, since he, that hath the only power to make him, hath the only power to unmake him; and ye only to obey, bearing with these straits that I now shew you, as with the finger of God, which lyeth not in you to take off. And will ye consider the very words of the Text in order, as they are set down, it shall plainly declare the obedience that the people owe to their King in all respects.

First, God commanded *Samuel* to do two things; the one to grant the people their sute in giving them a King; the other to forwarn them, what some Kings wil do unto them, that they may not thereafter in their grudging & murmuring say; when they shall seele the snares here fore spoken: We would never have had a King of God, in case, when we craved him, he had let us know how we would have been used by him, as now we find but overlate. And this is meant by these words. *Now therefore hearken unto their voyce; howbeit yet resist unto them, and shew them the manner of the King that shall rule over them.*

And next, *Samuel* in execution of this commandement of God, he likewise doth two things.

First, he declares unto them, what points of Justice and equity their King will break in his behaviour unto them. And next he putteth them out of hope, that, weary as they will, they shall not have leave to shake off that yoke, which God through their importunity hath laid upon them. The points of Equity that the King shall breake unto them are expressed in these words.

11 *He will take your sons, and appoint them to his Chariots, and to be his horsemen, and some shall run before his Chariots.*

12 *Also he will make them his Captaines over thousands, and Captaines over fifties, and to eare his ground, and to reape his harvest, and to make instruments of War, and the things that serve for his Chariots.*

13 *He will also take your daughters, and make them Apothecaries, and Cookes, and Bakers.*

The points of Iustice, that he shall break unto the, are expressed in these words.

14 *He will take your Fields, and your Vineyards, and your best Olive-trees, and give them to his servants.*

15 *And he will take the tenth of your seed, and of your Vineyards, and give it to his Eunuchs and to his servants: And also the tenth of your sheep.*

As if he would say, The best and noblest of your blood shall be compelled in lavish and servile offices to serve him. And not content of his own patrimony will make up a rent to his own use out of your best lands, vineyards, orchards & store of cattell. So as inverting the law of nature and office of a King, your persons and the persons of your posterity, together with your lands, and all that ye possess shall serve his private use, and inordinate appetit. And as unto the next point (which is his forewarning them, that, weary as they will, they shall not have leave to shake off the yoke, which God through their importunity hath layd upon them) it is expressed in these words.

18 *And ye shall cry out at that day, because of your King whom ye have chosen you: and the Lord will not beare you at that day.*

As he would say, When ye shall find these things in proof that now I forewarn you of, although you shall grudge and murmur, yet it shall not be lawfull to you to cast it off in respect it is not only the ordinance of God; but also your selves have chosen him unto you, thereby renouncing for ever all privilegedges, by your willing consent, out of your hands, wherby in any time hereafter ye would claim and call back unto your selves again that power, which God shall not permit you to do. And for further taking away of all excuse, and retraction of this their contract, after their consent to underly this yoke with all the burthens that he hath declared unto them, he craves their answer, & consent to his proposition: which appeareth by their answer, as it is expressed in these words.

19 *Nay but there shall be a King over us.* 20 *And we also will be like all other nations: and our King shall judge us, and go out before us, and fight our battels.*

As if they would have said; All your speeches and hard conditions shall not skare us, but we will take the good and evil of it upon us, and we will be content to bear whatsoever burthen it shall please our King to lay upon us, as well as other nations do. And for the good we will get of him in fighting our battels, we will more patiently beare any burthen that shall please him to lay on us.

Now then, since the erection of this Kingdom and Monarchy among the Jews and the law thereof may, and ought to be a patern to all Christian and well founded Monarchies, as being founded by God himself, who by his Oracle, and out of his owne mouth gave the law thereof: what liberty can broyling spirits, and rebellious minds claim justly to against any Christian Monarchy: since they can claime to no greater liberty on their part, nor the people of God might have done, & no greater tyranny was ever executed by any Prince or Tyrant, whom they can object, nor was here fore warned to the people of God; (and yet all rebellion countermanded unto the) if tyrannizing over mens persons, sons, daughters and servants; redacting noble houses, and men, and women of noble blood, nobles, and civill officers; and extortion, and spoile of their lands and goods to

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the Princes own private use and commodity, and of his courtiers and servants, may be called a tyranny?

And that this proposition grounded upon the Scripture, may the more clearly appeare to be true by the practise oft proved in the same book, we never read, that ever the Prophets perswaded the people to rebell against the Prince, how wicked soever hee was.

1 Sam. 15. When *Samuel* by Gods command pronounced to the same King *Saul*, that his Kingdom was rent from him, and given to another (which in effect was a degrading of him) yet his next action following that was peaceably to turn home, and with floods of tears to pray to God to have some compassion upon him.

And *David* notwithstanding he was inaugurate in that same degraded Kings room, not only (when he was cruelly persecuted for no offence, but good service done unto him) would not presume, having him in his power, skantly, but with great reverence, to touch the garment of the annoynted of the Lord, and in his words blessed him: but likewise, when one came to him vinting himself untruly to have slain *Saul*, he without forme of proces, or tryall of his guilt, caused only for guiltinesse of his tongue put him to so laine death.

2 Sam. 1. And although there was never a more monstrous persecutor and tyrant than *Achab* was: yet all the rebellion, that *Elias* ever raised against him, was to fly to the wilderness: where for fault of sustentation, hee was fed with the Corbies. And I think no man wil doubt but *Samuel*, *David* and *Elias*, had as great power to perswad the people, if they had liked to have imployed their credit to uprores and rebellions against these wicked Kings, as any of our seditious preachers in these dayes of whatsoever Religion, either in this Countrey or in *France*, had that busied themselves most to stir up rebellion under cloak of Religion. This far the only love of verity, I protest, without hatred at their persons, have moved me to be somewhat satyrique.

And if any will leane to the extraordinary examples of degrading or killing of Kings in the Scriptures, therby to cloake the peoples rebellion, as by the deed of *Jehu*, and such like extraordinaries: I answer, besides that they want the like warrant that they had, if extraordinary examples of the Scripture shal be drawn in dayly practise; murder under traist, as in the persons of *Abud* and *Isaak*; theft, as in the persons of the *Israelites* comming out of *Egipt*; lying to their parents to the hurt of their brother, as in the person of *Jacob*; shall all be counted as lawfull and allowable vertues, as rebellion against Princes. And to conclude, the practise through the whole Scripture proveth the peoples obedience given to that sentence in the Law of God: *Thou shalt not raise upon the Iudges, neither speak evil of the Ruler of thy people.* To end then the ground of my proposition taken out of the Scripture, let two speciall and notable examples, one under the law, another under the Euangel, conclude this part of my alledgeance. Under the law, *Jeremy* threatneth the people of God with utter destruction for rebellion to *Nabuchadnassar* the King of *Babel*, who although he was an Idolatrous persecutor, a forrain King, a Tyrant, & usurper of their liberties; yet in respect they had once received & acknowledged him for their King, he not only commandeth them to obey him, but even to pray for his prosperity, adjoyning the reason to it; because in his prosperity stood their peace. And under the Euangel that King, whom *Paul* bids the *Romaines* Obey and serve for *conscience sake*, was *Nero* that bloody Tyrant, an infamy to his age, and a monster to the world, being also an Idolatrous persecutor, as the K. of *Babel* was. If then Idolatry & defection fro God, tyranny over their people, & persecuti

1er. 27.

1er. 29.

1er. 13.

the spirit of God to command his people under all highest paine to give them all due and hearty obedience for conscience sake, giving to *Cæsar* that which was *Cæsar's*, and to God that which was Gods, as Christ saith, and that this practice throughout the booke of God agreeth with this law, which he made in the erection of that Monarchie (as is at length before deduced) what himselfe presumption is it to any Christian people now a dayes to claime to that unlawfull liberty, which God refused to his own peculiar and chosen people? Shortly then to take up in two or three sentences, grounded upon all these arguments, out of the Law of God the duty and allegiance of the people to their lawfull King, their obedience, I say, ought to be shew'd as to Gods Lieutenants in earth, obeying his commands in all things, except directly against God, as the commands of Gods Minister, acknowledging him a Judge set by God over them, having power to judge them, but to be judged onely by God, whom to duly he must give count of his judgement; fearing him as their Judge loving him as their Father; praying for him as their Protector: & his continuance be good for his amendment, if he be wicked, following and obeying his lawfull commands, eschewing and flying his fury in his unlawfull, without resistance, but by force and tears to God, according to that Sentence used in the Primitive Church in the time of the persecution.

Protes. & Lacryma sunt arma Ecclesie.

Now as for the describing the allegiance, that the lieges owe to their Native King, out of the fundamentall and Civill Law, especially of this Country, as I promised, the grounds must first be set down of the first manner of establishing the Law, and forme of government among us: that the ground being first right layd, we may thereafter build rightly thereupon. Although it be true (according to the affirmation of those that pride themselves to be the scourges of Tyrants) that in the first beginning of Kings rising among *Gentiles*, in the time of the first Age, divers common-wealths and societies of men choosed out one among themselves, who for his vertues and valour, being more eminent then the rest, was chozen out by them, and set up in that roome, to maintaine the weakest in their right, to throw downe oppressours, and to foster and continue the society among men: which could not otherwise, but by vertue of that unity be well done yet these examples are nothing pertinent to us; because our kingdom and diverse other Monarchies are not in that case, but had their beginning in a far contrary fashion. For as our Chronicles beare witness, this, and especially our part of it, being scantily inhabited, but by very few, and they as barbarous and scant of civility, as number, there comes our King *Fergus*, with a great number with him out of *Ireland*, which was long inhabited before us, and making himselfe master of the Country by his own friendship and force, as well of the *Ireland-men* that came with him, as of the Country-men that willingly fell to him, he made himselfe King and Lord, as well of the whole lands, as of the whole inhabitants within the same. Thereafter he and his successours, a long while after their being Kings, made and established their lawes from time to time, and as the occasion required. So the truth is contrary in our state to the false affirmation of such seditious Writers, as would perswade us, that the Lawes and state of our country were established before the admitting of a King: whereby the contrary ye see it plainly proved, that a wise King coming among barbares, first established the estate and forme of government, and thereafter made lawes by himselfe, and his successours according thereto.

The Kings therefore in *Scotland* were before any estates or assemblies of men which in the same, before any *Parliaments*, were holden, or Lawes made, and by them was the Land distributed (which at the first was whole theirs) into several portions, and formes of government devised and established. And for the necessity, that the Kings were the authors and makers of the Lawes, and not the Lawes of the Kings. And to prove this my assertion more clearly, it is evident by the Roles of our Chancellery (which containe our old and fundamentall Lawes): that the King is *Dominus omnium bonorum*, and *Dominus directus totius Domini*, the whole land being but his vassals, & from him holding all their lands. Their Over-lord, who according to good services done unto him, change his vassals from one to few, from ward to blanch, erecteth new Barones, and miseth old, without advyse or authority of either *Parliament*, or any other subalter in judicio. If tene. So as if wrong might be admitted in play (albeit I grant wrong should be, wrong in all persons) the King might have a better colour for his pleasure, without further reason, to take the land from his lieges, as over-lord of the whole, and do with it as pleaseth him, since all that they hold is of him: then, as foolish writers say the people might undertake the King, and put another in his room. But either of them, as unlawfull, and against the ordinance of God, ought to be alike odious to a thought, much lesse put in practise. And according to these fundamentall Lawes already alledged, we daily see that in the *Parliament* (which is nothing else but the head Court of the King, and his vassals) the Lawes are but craved by his subjects, and only made by him at their rogation, and with their advyse. For albeit the King make daily statutes and ordinances, injoyning such pains thereto as he thinks meet, without any advyse of *Parliament* or estates: yet it lyes in the power of no *Parliament*, to make any kinde of Law or statute, without his Scepter be to it, for giving it the force of a Law. And although diverse changes have been in other Countreies of the blood Royall, and kingly house, the Kingdome being rectly conquest from one to another, as in our neighbour country in *England*, (which was never in ours) yet the same ground of the Kings right over all the Land, and subjects thereof remaineth alike in all other five *Monarchies*, as well as in this. For when the Bastard of *Normandie* came into *England*, and made himselfe King, was it not by force, and with a mighty army? Where he gave the Law, and tooke none, changed the Lawes, inverted the order of government, set downe the strangers his followers in many of the old possessours roomes, as at this day well appeareth a great part of the Gentlemen in *England*, being come of the *Norman* blood, and their old Lawes, which to this day they are ruled by, are written in his language, and not in theirs. And yet his Successors have with great happinesse enjoyed the Crowne to this day. Whereof the like was also done by all them that conquered them before.

And for conclusion of this point, that the King is over-lord over the whole land, it is likewise daily proved by the Law of our hoods, of want of Heires and of Bastardies. For if a hood be found under the earth, because it is no more in the keeping or use of any person, it of the Law pertaines to the King. If a person, inheritor of any lands or goods, dye without any sort of heires, all his lands and goods returne to the King. And if a bastard dye unrehabled without heires of his body (which rehabling only lyes in the Kings hands) all that he hath likewise returnes to the King. And as yee see it manifest, that the King is Over-Lord of the whole Land.

Death: So a law makes over every person that inhabits the same, having power
over the life and death of every one of them. For although a just Prince will not
take the life of any of his subjects without a set law: yet the same Law,
whereby he slayeth them, are made by himselfe or his predecessors. And to the power
flowes alwayes from himselfe: As by daily experience we see, good and just
Princes will from time to time make new lawes and statutes, ad joyning the penal-
ties to the breakers thereof: which before the Law was made, had bin no crime to
the subject to have committed. Nor that I deny the old definition of a King, and
of a Law, which makes the King to be a speaking Law, and the Law a dumb King:
for certainly a King, that governes not by law, can neither bee countable to God
for his administration, nor have a happie and established Raigne. For albeit it bee
true that I have at length proved, that the King is above the Law, as both the Au-
thor, and giver of strength thereto: yet a good King, will not onely delight to rule
his subjects by the Law; but even will conforme himselfe in his own actions ther-
unto; alwaye keeping that ground, that the health of the common wealth be his
chief Law. And where he sees the Law doubt, some or rigorous, he may interpret
or mitigate the same: lest other wise *Summus jus be summa iuris*. And therefore
generall lawes, made publicly in Parliament, may upon knowne respects to the
King by his authority be mitigated, and suspended upon causes only knowne to
him. As likewise, although I have said, a good king will frame all his actions to be
according to the Law: yet is hee not bound thereto, but of his good will, and for
good example giving to his subjects. For as in the Law of abstaining from eating of
flesh in *Lewson*, the King will for examples sake, make his own house to observe the
Law: yet no man will think he needs to take a line, or to eat flesh. And although by
our Laws, the bearing & wearing of bag-buts, & Pistols be forbidden, yet no man
can finde any fault in the King, for causing his traine use them in any raide upon the
Bordouers, or other malefactours or rebellious subjects. So as I have already said,
a good King, although he be above the Law, will subject and frame his actions ther-
to, for examples sake to his subjects; and of his own free-will, but not as subject or
bound thereto. Since I have so clearly proved then out of the fundamentall laws &
practice of this Countrey, what right and power a King hath over his land and sub-
jects, it is easie to be understood, what allegiance and obedience his lieges owe un-
to him. I meane alwayes of such sort of Monarchies as our King is; and not of elec-
tive Kings, and much lesse of: such sort of governours, as the Dukes of *Venice* are;
whose Aristocratie; and limited government is nothing like to free Monarchies:
although the malice of some writers hath not bene ashamed to mis-know any dif-
ference to be betwixt them. And if it be not lawfull to any particular Lords re-
nants or Passais, upon whatsoever pretext, to controule and displace their matter, and
Over-lord (as it clearly nor the Sun by all lawes of the world) how much lesse may
the subjects, and vassals of the great Over-lord the King controule or displace him:
And since in all inferior judgments in the Land, the people may not upon any re-
spect displace their Magistrates, although but imbalenit: for the people of a bo-
rough cannot displace their provost before the time of their election: nor in Eccle-
siastical policy the flock can upon any pretence displace the pastor, nor Iudge of him
yet even the schoolmaster cannot be displaced by his scholars. If these cannot be
displaced for any occasion or pretext by them that are ruled by them: much lesse is it
lawful up-

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upon any pretext to controule or displace the great Præfect, and great Schoolmaster of the whole land: except by inverting the order of all Law and reason, the commanded may bee made to command their commanders: the judges to judge their Judges, and they that are governed to govern: this is manifestly absurd and impertinent. And the agreement of the Law of nature in this our ground with the Lawes and constitution of God, and man already alleged, will be yet more manifestly appeare. The King towards his people is rightly compared to a Father of children, and to a head of a body composed of diverse members. For as Fathers, the good Princes, and Magistrates of the people of God acknowledge themselves to their subjects. And for all other well ruled common-wealths, the stile of *Pater Patriæ* was ever, and is commonly used to Kings. And the proper office of a King towards his subjects agrees very well with the office of the head towards the body, and all members thereof. For from the head, being the fountaine of judgement, proceeds the care and foresight of guiding, and preventing all evil that may come to the body or any part thereof. The head cares for the body, so doth the King for his people. As the discourse and direction flowes from the head, and the execution according thereto belongs to the rest of the members, every one according to their office: so is it betwixt a wise Prince, and his people. As the judgement coming from the head may not only employ the members, every one in their own office, as long as they are able for it, but likewise in case any of them be afflicted with any infirmity must care and provide for their remedy, in case it be curable; and if otherwise cut them off for feare of infecting of the rest: even so is it betwixt the Prince, and his people. And as there is ever hope of curing any diseased member by the direction of the head, as long as it is whole; but by the contrary, if it be troubled, all the members are partakers of that paine, so is it betwixt the Prince and his people. And now first for the fathers part: (whose naturall love to his children I described in the first part of this my discourse, speaking of the duty that Kings owe to their subjects) consider, I pray you what duty his children owe to him, and whether upon any pretext whatsoever, it will not be thought monstrous and unnatural to his sons, to rise up against him, to controule him as their appetite, and when they think good to slay him, or to cut him off, and adopt to themselves any other they please in his room. Or can any pretence of wickedesse or rigour on his part bee a just excuse for his children to put hand into him? And although we see by the course of nature, that love ever tends to descend more than to ascend: in case it were true, that the Father hated and wronged the children never so much, will any man, endued with the least spark of reason, think it lawfull for them to meete him with the line? Yea, suppose the Father were furiously following his sons with a drawne sword, is it lawfull for them to turne and strike againe, or make any resistance but by flight? I thinke surely, if there were no more but the example of brut beasts, and unreasonable creatures, it may serve well enough to qualify and prove this my argument. We read often the piety that the Sparckes have to their old and decayed parents. And generally we know, that there are many sorts of beasts and fowles, that with violence and many bloody strokes will beate and banish their young ones from them, how soone they perceive them to be able to fend themselves. And we never read or heard of any resistance on their part, except among the Vipers: which proves such persons, as ought to be reasonable creatures, and yet unnaturally follow this example.

plea to be in such a state of rebellion, and for the facilitie of the head
and troubled, if any war withall come that the head will be forced to give credit
some rotten member (as I have already said) to keep the rest of the body in
order. But when these things are said, the people will say, we will not be ruled by
him, but we will leave it to the rulers judgment. To answer this part of the
children may upon any pretence that can be imagined, be fully lifted up against their
father, and him off, and choose any other in his room, and if the body for the weale
of it may for any infirmity that can be in the head, strike it off: then I cannot deny
that the people may rebell against the head, and strike off the King, and then the
state, and upon respect moving them. And whether the head should represent bet-
ter the office of a King, or the office of Masters or Deacons of wards, or Doctors in
Physicke, (which jolly comparisons are used by such writers as maintain the con-
trary proposition) I leave it to the Reader's discretion. And in case any doubt
be, and (as any part of this) be, I will according to my promise, with the
solution of 4. principall and most weighty doubts, that the severall parts may ob-
ject, conclude this discourse. And first it is taken up by divers, that employ their
pens upon Apologies for rebellions and treasons, that every man is borne to carry
such a natural zeal, and duty to his commonwealth, as to let another part being
it so rent, and deadly wounded, as will be written by wicked & tyrannous Kings,
good Citizens will be forced, for the natural duty they owe to their own
native Country, to put their hand to work, for freeing their commonwealth from
such a pest. Whereunto I give two answers. First, it is a false Axiom in *Politicks*,
that will should not be done, that good may come of it. The wickedness there-
fore of the King can never make them charitable, to be judged by him to be-
come his Judges. And if it be not lawful to a private man to revenge his private
injury upon his private adversary, since God hath so charged the sword to the Ma-
gistrate, how much less is it lawful to the people, to revenge of them, who are
but private men, the authority being always on their side. Magistrate, as I have already
proved, to take upon them the use of the sword, which code belongs not to any
other, but to the Magistrate, whom it is his duty to defend, and to preserve the
Commonwealth out of distress, which is the only end, and oblique duty shall
beget double distress and desolation upon it, and so the rebellion shall procure
the contrary effects that they pretend to for. For a King cannot be imagined to be
so insolently and tyrannous, but the commonwealth will be forced to be-
warranting thereof, by him, then taken to by his way taking. For first, all dis-
sentiments are perillous in commonwealths, and being thereby given to all
leave, then to set up themselves, and live with other men's features, the rebels being
loose to all the insolencies that disorderd people can commit by hope of impunity,
but in the end the loss of all things, to be seen, and yet the law of God
And secondly, it is certain, that rebellion can never be so manifestly wicked, as hee
will be generally taken for just, and righteous. For as for the first, the rebels
while his intention is to take and possess the commonwealth, whereof he is contrary,
and King being, nothing is unlawful to none. And to the second opinion of the Phi-
losophers, that the more the more it is to live in a Commonwealth, the more it is
in lawfull, that where all things are lawfull, all men in the Commonwealth at
the same time, as in a commonwealth, young men that in the other side, for as
the

